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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 DANIEL J. HARDY,) 3:07-CV-0534-ECR (RAM)
10 Plaintiff,)
11 vs.)
12 RANDALL NIXON, et al.,)
13 Defendants.)

REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE

14 This Report and Recommendation is made to the Honorable Edward C. Reed, Jr.,
15 Senior United States District Judge. The action was referred to the undersigned Magistrate
16 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR IB 1-4.

17 Before the court is Plaintiff's Motion for Dismissal of Civil Complaint (Doc. #36). There
18 has been no opposition.

19 As such, Plaintiff's Motion for Dismissal of Civil Complaint (Doc. #36) should be
20 granted.

21 **RECOMMENDATION**

22 **IT IS HEREBY RECOMMENDED** that the District Court enter an Order
23 **DISMISSING** Plaintiff's Complaint without prejudice.

24 The parties should be aware of the following:

25 1. That they may file, pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule IB 3-2 of the
26 Local Rules of Practice, specific written objections to this Report and Recommendation within
27 ten (10) days of receipt. These objections should be titled "Objections to Magistrate Judge's
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1 Report and Recommendation" and should be accompanied by points and authorities for
2 consideration by the District Court.

3 2. That this Report and Recommendation is not an appealable order and that any
4 notice of appeal pursuant to Rule 4(a)(1), Fed. R. App. P., should not be filed until entry of
5 the District Court's judgment.

6 DATED: November 10, 2009.



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9 UNITED STATES MAGISTRATE JUDGE
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